

**BEFORE THE COMMISSIONER OF THE
TENNESSEE DEPARTMENT OF SAFETY**

IN THE MATTER OF:

**TENNESSEE DEPARTMENT
of SAFETY
v.**

**DOCKET NO: 19.01-101886J
DOS No. H5673**

**Fourteen Thousand Eight Hundred
Sixty Nine Dollars (14,869.00) in
U.S. Currency
Seized from: Carmina Perez
Date of Seizure: July 22, 2008
Claimant: Carmina Perez**

INITIAL ORDER

This matter was heard on February 9, 2009, in Humboldt, Tennessee, before Bettye Springfield, Administrative Judge, assigned by the Secretary of State, and sitting for the Commissioner of the Tennessee Department of Safety. Joe Bartlett, Staff Attorney with the Department of Safety, represented the State. Attorneys Perry Craft and Matthew Wright represented the Claimant, Carmina Perez.

The subject of this hearing was the proposed forfeiture of Fourteen Thousand Eight Hundred Sixty Nine Dollars (\$14,869.00) seized from the Claimant, Carmina Perez, for an alleged violation of the Tennessee Drug Control Act. T.C.A. §53-11-451. After consideration of the entire record in this matter, including the testimony of witnesses and argument of the parties, it is determined that the subject money, in the amount of \$14,869.00, should be RETURNED to the Claimant, Carmina Perez.

This determination is based upon the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. On July 22, 2008, Agent Ricky Wade, with the 24th Judicial Drug Task Force, stopped the Claimant for allegedly following too closely to another vehicle. The agent testified that the Claimant appeared nervous. He asked whether she was carrying a large amount of currency, to which she responded that she had about \$14, 000.00.

2. The agent requested and obtained Claimant's consent to search her vehicle. His drug dog alerted on the Claimant's vehicle and a black bag inside the vehicle. Inside the bag/purse, the agent discovered "three bundles of money," separated in three bank envelopes.

3. A subsequent count of the money indicated a total of Fourteen Thousand Eight Hundred Sixty Nine Dollars (\$14,869.00). The money was seized for violation of the Tennessee Drug Control Act.

4. Agent Wade testified the Claimant had previous drug related charges in Texas, had been charged with forgery, had used three aliases, two social security numbers, and her husband and brother had previous charges for trafficking narcotics.

5. The Claimant, Carmina Perez, was born in Mexico, but is a permanent resident of the United States. She has lived in this country over thirty years. At the time of the traffic stop, Claimant and her ten year old son were traveling to Texas to visit her sick mother, and on to Mexico to visit her father-in-law, who was also ill.

6. The Claimant and her husband own Tex-Mex Cleaning Service, a business that cleans homes and offices. She testified that the seized money was income from their business and was not connected with drug sales.

7. U. S. Bank records indicate that, on July 21, 2009, the Claimant withdrew a total of \$12, 000.00 from personal and business bank accounts. The bank manager placed the money in three different envelopes when Claimant withdrew the money.

8. The reason that Claimant had the subject money was for her trip and to assist her mother who was having surgery for colon cancer. It is not unusual in the Latino culture for individuals to travel with large sums of cash.

9. The Claimant was cleared of the Texas drug charges. She explained that the use of different names had to do with how people from her country use their sir names, and using her married mane. She was issued a new social security number after it was discovered that someone else was using the old number.

10. The Claimant introduced a Vendor Payment record which showed, for a recent seven month period, the Claimant's cleaning business received in excess of \$166,000.00 in payments from clients.

11. The Claimant denied that she was following too closely to the other vehicle when she was stopped by the agent. During the course of the stop, the Claimant and her son were detained for approximately three and a half hours on the side of the road.

12. Agent Wade acknowledged that no drugs, weapons, or drug paraphernalia were found in Claimant's vehicle, and he had no knowledge that the Claimant was involved in drugs.

CONCLUSIONS OF LAW AND ANALYSIS

1. Tenn. Code Ann. §53-11-451(a)(6)(A) authorizes the forfeiture of:

Everything of value furnished, or intended to be furnished, in exchange for a controlled substance in violation of the Tennessee Drug Control Act of 1989, as amended, compiled in parts 3 and 4 of this chapter and title 39,

chapter 17, part 4, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used, or intended to be used, to facilitate any violation of the Tennessee Drug Control Act.

2. Tenn. Code Ann. §53-11-201(d)(2) provides, with regards to the procedure in confiscation:

At each such hearing, the state shall have the burden of proving by a preponderance of the evidence that the seized property was of a nature making its possession illegal or was used in a manner making it subject to forfeiture under the provisions of this chapter, and failure to carry the burden of proof shall operate as a bar to any forfeiture under this chapter. [Emphasis added.]

3. The State failed to carry its burden of proving, by a preponderance of the evidence, that the subject money was proceeds traceable to an exchange of controlled substances, or was intended to be used to purchase controlled substances or facilitate a drug transaction, in violation of the Tennessee Drug Control Act, thus making it subject to forfeiture pursuant to the provisions of T.C.A. § 53-11-451.

4. Agent Wade testified that his drug dog alerted to the Claimant's vehicle, however, no drugs or any items normally associated with drug dealing were found in the search. While the agent considered the Claimant's previous drug charge, use of three aliases, and two social security numbers to support seizure of the subject money, the Claimant was cleared of the drug charge. Furthermore, she offered a credible explanation as to her use of different names and the reason for issuance of a new social security number.

5. The State presented no evidence whereby it can reasonably be concluded that the subject money should be forfeited because Claimant either engaged in or was connected to drug trafficking. In fact, the Claimant's bank records and Vendor Payment records, which show her cleaning service business had recently received over \$166,000.00 from clients, make it more

likely that the subject money was derived from a legitimate source, rather than from any illegal drug transactions.

6. It is concluded that the proof sufficiently established the Claimant's interest as the owner of the subject money. T.C.A. § 40-33-206(a).

7. The failure of the State to carry its burden of proof operates as a bar to any forfeiture of the Claimant's money, and the subject "property shall be immediately returned to the claimant." T.C.A. § 40-33-210(b)(1).

8. Based on the foregoing, it is ORDERED that the Fourteen Thousand Eight Hundred Sixty Nine Dollars (\$14,869.00) be immediately RETURNED to the Claimant, Carmina Perez.

Entered and effective this 3rd day of March, 2009.

Bettye Springfield
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State, this 3rd day of March, 2009.

Thomas G. Stovall, Director
Administrative Procedures Division

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
AT JACKSON**

CARMINA PEREZ,

Plaintiff,

v.

**RICKY L. WADE,
TWENTY-FOURTH JUDICIAL
DRUG TASK FORCE, MONTE
BELEW, Sheriff of Henry County,
Tennessee, and HENRY COUNTY,
TENNESSEE,**

Defendants.

**No. _____
JURY DEMAND**

COMPLAINT

Comes now Plaintiff, CARMINA PEREZ, and brings suit against the above named defendants for legal, injunctive, and other relief for their wrongfully and illegally seizing her money – money that she had earned in business, prolonging detaining her for four hours at a stop while she needed to go to a restroom because she was on her menstrual cycle, and disparaging her and discriminating against her because she is Hispanic – in violation of 42 U.S.C. § 1983 and the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution.

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action at law and suit in equity and the parties pursuant to 28 U.S.C. § 1343 (a), 28 U.S.C. § 1331, 42 U.S.C. § 1983, and 42 U.S.C. § 1988.

2. This Court has venue over this matter pursuant to 28 U.S.C. § 1391 (b) (1) and (2) because it is the judicial district where all defendants reside *or* where a substantial part of the events or omissions giving rise to the claim or claims occurred.

PARTIES

3. Plaintiff CARMINA PEREZ is a resident of Davidson County, Tennessee and legally lives and works in the United States.

4. Defendant RICKY L. WADE is a law enforcement agent assigned to or for Defendant TWENTY-FOURTH JUDICIAL DISTRICT DRUG TASK FORCE. Defendant WADE is also Deputy Sheriff for Defendant HENRY COUNTY, TENNESSEE, and is responsible to and accountable to Defendant Sheriff MONTE BELEW.

5. Defendant TWENTY-FOURTH JUDICIAL DISTRICT DRUG TASK FORCE consists of law enforcement officers or prosecutors from the Tennessee Counties of Benton, Decatur, Carroll, Hardin, and Henry, and at the time of the incident, Defendant WADE was a member of or assigned to this Defendant. Defendant's director is Steve Lee.

6. Defendant MONTE BELEW is the Sheriff of Henry County, Tennessee. Defendant Sheriff's address is 210 Forrest Heights, P.O. Box 639, Paris, TN 38242.

7. Defendant HENRY COUNTY, TENNESSEE is made a Defendant herein.

FACTUAL AVERMENTS

8. On or about July 22, 2008, along with her son, Rafael, Plaintiff CARMINA PEREZ, each of whom is Latino or Hispanic, was driving along Interstate I-40 westbound, beginning their trip in the Nashville area.

9. Defendant WADE, a Caucasian, driving or in a vehicle ordinarily used by law enforcement agents or deputies, flashed his lights. Defendant WADE was with another law enforcement officer or deputy. Defendant WADE also had his trained dog with him.

10. Plaintiff noticed the flashing lights and pulled her motor vehicle safely to the shoulder of the road, I-40 in Decatur County, Tennessee.

11. Since Plaintiff was not speeding, she asked Defendant WADE the reason that she was stopped.

12. Defendant WADE replied that she had been following a "semi" "too close."

13. Defendant WADE asked for Plaintiff's PEREZ's driver's license, and she handed it to him.

14. Defendant WADE asked for permission to search Plaintiff's PEREZ's truck, and she consented. He also asked her son to get out of the truck, and then grabbed and placed him in the back of the patrol vehicle.

15. Defendant WADE then asked whether Plaintiff PEREZ had any drugs, weapons or money.

16. Plaintiff WADE responded that she had no drugs or weapons, but that she had a sum in cash of \$14,870.00 in cash.

17. In response to Defendant WADE's question about the purpose of the cash, Plaintiff PEREZ responded that the money was to be used to pay for the upcoming surgery of her Mother, who lived in Texas, and bills for recent surgery for another relative, to help them with bills, and for travel and other legitimate reasons.

18. The officer(s) continued to question and berate her.

19. Plaintiff PEREZ was scared and intimidated.

20. Plaintiff PEREZ kept the cash in separate packages.

21. Plaintiff PEREZ had earned the money through her cleaning work and business and that she cleaned houses for builders.

22. Plaintiff tried to correctly respond to the officers' questions.

23. At one point, when Plaintiff was asked about her husband's name, and she responded "Felipe" and gave his full and correct name.

24. Defendant WADE called her a "liar" repeatedly.

25. Defendant WADE made numerous disparaging remarks about "Mexicans" and "Hispanics" or other Latinos, stating that they regularly gave false names or names that could not be verified, and in effect that they [and plaintiff and her son] were liars who could not be trusted. Defendant WADE repeatedly uttered demeaning, degrading, stereotypical remarks about Hispanics in general and treated Plaintiff with disrespect because she, her son, and family were Hispanic or Latino.

26. Defendant WADE's words, comments, and remarks were offensive, insulting, cast a minority in a poor light, made negative assumptions about Hispanics, and had an unlawful discriminatory purpose or effect.

27. After a full search revealed no drugs or weapons, but with no evidence, Defendant WADE stated that the cash was the proceeds of drugs or drug dealing and based his conclusion in part on his unlawful discriminatory stereotyping of persons who have a Latin heritage or background.

28. Defendant WADE has his "dog" with him who sniffed the area, but no drugs were found. In fact, Plaintiff had neither drugs nor weapons, and none were found in the vehicle that she drove.

29. Defendant WADE and the other officer kept Plaintiff and her son under questioning for four hours. Her son was thirsty and was refused water; Plaintiff felt distress and discomfort due the fact that she was on her menstrual cycle, but Defendant WADE and the other officer

refused to permit her to go to a restroom to attend to her needs. As a result, Plaintiff had an accident.

30. Even after the Defendant WADE concluded the search of Plaintiff's vehicle, he continued to detain Plaintiff for a prolonged period of time and refused her request to find a restroom to handle her personal needs or her son's for water in the blistering summer heat of July 22, 2008.

30. To show that the money was earned, Plaintiff PEREZ offered to provide check stubs, the name of her bank and the name of the contractor or builder who hired her.

31. Defendant WADE asked if Plaintiff had a passport or green card and she responded that she did.

32. Defendant WADE seized and took the funds, the \$14,870.00, and gave Plaintiff a receipt.

33. Defendant WADE eventually issued a warning ticket to Plaintiff and let her and her son leave, a copy of which is attached as Exhibit 1.

34. Neither Plaintiff nor her son was arrested or booked.

35. Neither Plaintiff nor her son was charged with any crime.

36. The next day, or on or about July 23, 2008, Plaintiff traveled to McKenzie, Tennessee to the office where Defendant WADE was located.

37. With her receipt in hand, she requested, asked, and demanded the return of her money.

38. Defendant WADE refused to return Plaintiff's money.

39. Defendant WADE is a deputy sheriff for Henry County.

40. Defendant MONTE BELEW is the Sheriff of Henry County and at all times had the authority to direct and control Defendant WADE and the funds wrongfully seized by him from Plaintiff.

41. Defendant BELEW is an officer or agent of HENRY COUNTY, TENNESSEE, and receives funds, answers to, and is held accountable to HENRY COUNTY for his and his deputies' acts and omissions, including the acts and omissions of Defendant WADE.

42. Defendant Sheriff MONTE BELEW authorized or permitted his department and Defendant WADE to work for and act for Defendant TWENTY-FOURTH JUDICIAL DISTRICT DRUG TASK FORCE and to work outside Henry County, the County where Defendant BELEW is authorized to act.

43. At the time of this incident, Defendant WADE was employed by Defendant BELEW as a deputy sheriff and acting on behalf of defendant BELEW and was part of the Defendant TWENTY-FOURTH JUDICIAL DISTRICT DRUG TASK FORCE.

44. The cash rightfully belonged to Plaintiff PEREZ.

45. Defendant had no right or authority to hold Plaintiff PEREZ's cash.

46. Defendants had seized and held or caused to be held and seized the money without claim of right or any interest in its ownership.

47. Plaintiff earned this money by her labor and employment and offered to supply confirming information about her employment.

48. Defendant WADE and others in the office in McKenzie then told Plaintiff that they would contact the IRS if they persisted in trying to have their money returned to them. Defendant WADE used the threat of the IRS even though no tax was then due from Plaintiff.

Raising the IRS was a deliberate and calculated attempt to scare and intimidate Plaintiff and have her not seek the return of her property.

49. None of the Defendants are IRS agents or authorized by the State of Tennessee or authorized specially by the United States to enforce federal criminal tax laws or federal civil tax laws.

50. Upon information and belief, as part of their training as law enforcement officials in Tennessee, Defendants are not given courses or training in investigating federal criminal tax crimes or in enforcing the Internal Revenue Code by civil means.

51. At that point, Defendant WADE or others in the McKenzie office seized the yellow receipt that that had been given to Plaintiff the day before and refused to return it.

52. Defendant's taking of Plaintiff's funds constitutes an unreasonable search and seizure.

53. Defendant's wrongfully taking seizing and taking Plaintiff's funds constitutes a taking of property and deprivation of property without due process of law.

54. As a result, Plaintiff suffered the loss of her cash and other injuries, losses and damages.

55. Plaintiff was discriminated against on an unlawful basis: her Latin or Hispanic origin.

54. Plaintiff was humiliated by these events and suffered emotional and mental distress as a result.

55. Defendants' acts and conduct violated Plaintiff's rights secured by the United States Constitution.

56. Defendants' deliberate indifference to Plaintiff and her rights violated federal law.

57. Defendants lacked any authority to seize or hold the funds that Plaintiff rightfully owned.

58. Defendants did not obtain any warrant to seize the money.

59. Defendants lacked probable cause to seize the cash or detain Plaintiff for the extended period of time that they held her.

60. Defendants lacked authority to prolong the time that Plaintiff was kept from leaving after the stop and search. After questioning and searching her vehicle, Defendants had concluded that probable cause either to detain or arrest her or seize the cash did not exist and let Plaintiff and her son depart with a mere warning ticket for following too close.

61. In the press, Defendant WADE and other Defendants have praised Defendant WADE for seizing cash.

62. Upon information and belief, cash seized by or through DEFENDANT TWENTY FOURTH JUDICIAL DISTRICT DRUG TASK FORCE funds expenditures for agencies and sheriffs to purchase equipment, but is done so not through the ordinary process of taxation and accountability and creates a conflict of interest for Defendants.

COUNT 1: Federal Civil Rights Act

63. Defendants violated 42 U.S.C. § 1983, which in pertinent part, provides:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State ... subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable

64. Each Defendant is a person within the meaning of 42 U.S.C. § 1983.

65. Defendants acted under color of law – a statute, ordinance, regulation, custom or usage that applies to Tennessee – in violating Plaintiff's rights and is liable to her for injuring her.

66. This is an action at law, suit in equity or other proper proceeding for redress under 42 U.S.C. § 1983.

67. Defendant subjected Plaintiff or caused Plaintiff to be subjected to a deprivation of her rights secured by the Constitution and laws, including the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution.

A. Section 1983: Fourth Amendment Violations

68. Defendants subjected Plaintiff or caused Plaintiff to be subjected to an unreasonable seizure: first, they had no Fourth Amendment or other lawful basis to seize Plaintiff's cash or detain her for the period of time that they held her without permitting her to go to the restroom or her son to get a drink of water. The time for restraining her was too long a duration.

69. The Fourth Amendment to the United States Constitution provides:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

70. Plaintiff's right to be secure in her person was violated.

71. The seizure of the funds and the unnecessary time of the detention were unreasonable under the Fourth Amendment.

72. Defendants lacked probable cause to seize Plaintiff's funds.

73. Defendants kept and detained Plaintiff longer than necessary and violated her Fourth Amendment right to be secure in her person and unlawfully seized.

B. Section 1983: Fifth Amendment Violations

74. The Fifth Amendment to the United States Constitution provides in pertinent part:

... [N]or shall any person ... be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

75. Plaintiff is a person under the Fifth Amendment.

76. Plaintiff was deprived of her property without due process of law.

77. Plaintiff's private property was taken for public use and she was not compensated for it.

78. Plaintiff was deprived of her liberty without due process of law by Defendants detaining or causing her to be detained for a longer period than necessary for the stop. She was held and humiliated without being taken to a Magistrate.

79. Defendants violated Plaintiff's Fifth Amendment rights.

C. Section 1983: Fourteenth Amendment Violations

80. The Fourteenth Amendment to the United States Constitution provides in pertinent part:

[N]or shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

81. Plaintiff is a person within the meaning of the Fourteenth Amendment.

82. At the time of these events, Plaintiff was and now is a person within the jurisdiction of a State, namely the State of Tennessee.

83. Plaintiff was deprived of her property without due process of law.

84. Plaintiff was deprived of her liberty without due process of law by the longer than necessary stop and seizure. She was held without being taken to a Magistrate and humiliated and not permitted to go to a restroom.

85. Plaintiff is a Latino woman.

86. Defendants unlawfully discriminated against Plaintiff, seized her money and held her longer than constitutionally permissible because she is Latino and thereby denied her Equal Protection of the Law.

87. Defendants violated Plaintiff's Fourteenth Amendment rights.

88. Defendants are liable to Plaintiff for the injuries she sustained as a result of the violations of 42 U.S.C. § 1983.

JURY DEMAND

1. Plaintiff hereby demands a trial by jury.

PRAYER FOR RELIEF

Wherefore, premises considered, Plaintiff prays for the following relief:

1. That upon filing this Complaint, process be issued and defendants be served;
2. That this Court find and declare that Defendants violated 42 U.S.C. § 1983 —
by violating the Fourth Amendment;
by violating the Fifth Amendment; and
by violating the Fourteenth Amendment.
3. That this Court compel Defendants to return the cash taken from Plaintiff;
4. That this Court order Defendants to pay interest on the cash taken at the rate prescribed by law;
5. That this Court award damages for unlawfully prolonging the time that Plaintiff was detained by Defendants;
6. That this Court award damages for refusing to return the funds the day after they were taken;

7. That this Court find that Defendant WADE unlawfully discriminated against Plaintiff due to her national origin or other unlawful discrimination;
8. That this Court require Defendant WADE and all Defendants to undergo comprehensive training as to the requirements of the law regarding discrimination against Latinos;
9. That this Court compel Defendant WADE and all Defendants to apologize to Plaintiff in writing for their acts and conduct;
10. That this Court award damages for mental anguish and suffering and humiliation sustained by Plaintiff.
11. That this Court permit expedited discovery, advance this case on its docket, and set the matter for trial promptly and quickly.
12. That this Court award Plaintiff a reasonable attorney's fee and expert fees pursuant to 42 U.S.C. § 1988;
13. That this Court award Plaintiff discretionary costs pursuant to Rule 54 of the Federal Rules of Civil Procedure; and
14. That this Court award such further relief and grant such remedies as law or equity allow and justice demands.
15. Plaintiff demands a trial by jury.

Dated: September 24, 2008

Respectfully submitted,

/s/ Matthew E. Wright

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Perry A. Craft, BPR # 6056
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/s/ Perry A. Craft

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TENNESSEE

Case Number: 1: 08-cv-1230 JDB-egb

* Include a notation as to the location of any exhibit not held with the case file or not available because of size.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

WESTERN DISTRICT OF TN

FILED IN OPEN COURT:

DATE: 5/14/10

TIME: 2:54 p.m.

INITIALS: lu

CARMINA PEREZ, individually
and as Mother of RAPHAEL ADAME,

Plaintiffs,

v.

No. 08-1230-JDB

RICKY L. WADE,

Defendant.

**SPECIAL INTERROGATORIES
CARMINA PEREZ**

SECTION I

1a. Do you find by a preponderance of the evidence defendant liable for violating Carmina Perez's constitutional right to be free from unlawful seizure by making the initial traffic stop?

Yes _____ No X

1b. Do you find by a preponderance of the evidence defendant liable for violating Carmina Perez's constitutional right to be free from unlawful detention following the conclusion of the traffic stop?

Yes X No _____

1c. Do you find by a preponderance of the evidence defendant liable for violating Carmina Perez's constitutional right to be free from unlawful seizure of money from her vehicle?

Yes X No _____

If you have answered Yes to questions 1a, 1b or 1c please proceed to question 2 below. If you have answered No to questions 1a, 1b and 1c, do not proceed further.

2. Answer this question only if you answered Yes to questions 1a, 1b or 1c: What amount do you award Carmina Perez as compensatory damages or nominal damages for the violation of her right(s) under the United States Constitution to be free from unlawful seizure of her person, unlawful detention and/or unlawful seizure of her property?

\$ 60,000 (Compensatory Damages) or \$ _____ (Nominal Damages)

Please proceed to Section II

Section II

1. If you determined that defendant violated Carmina Perez's federal constitutional right(s) in Section I, do you find plaintiff is entitled to punitive damages for the violation of her federal constitutional right(s)?

Yes _____ No X

SPECIAL INTERROGATORIES RAPHAEL ADAME

SECTION I

1a. Do you find by a preponderance of the evidence defendant liable for violating Raphael Adame's constitutional right to be free from unlawful seizure by making the initial traffic stop?

Yes _____ No X

1b. Do you find by a preponderance of the evidence defendant liable for violating Raphael Adame's constitutional right to be free from unlawful detention following the conclusion of the traffic stop?

Yes X No _____

If you have answered Yes to questions 1a or 1b please proceed to question 2 below. If you have answered No to questions 1a and 1b, do not proceed further.

2. Answer this question only if you answered Yes to questions 1a or 1b: What amount do you award Raphael Adame as compensatory damages or nominal damages for the violation of his right(s) under the United States Constitution to be free from unlawful seizure of his person and/or unlawful detention?

\$ 15,000 (Compensatory Damages) or \$ _____ (Nominal Damages)

Please proceed to Section II

Section II
~~III~~

1. If you determined that defendant violated Raphael Adame's federal constitutional right(s) in Section I, do you find he is entitled to punitive damages for the violation of his federal constitutional right(s)?

Yes _____ No X

Manwin B. Holley
Foreperson

May 14, 01
Date

- b. Joint Motion Regarding Plaintiffs' Motion and Application for Attorney's Fees, Docket Entry 104, filed June 8, 2010;
- c. Plaintiffs' Motion for Rule 54 Costs, Docket Entry 106, filed June 17, 2010;
- d. Second Joint Motion Regarding, First Plaintiffs' Motion and Application for Attorney's Fees and Second, Plaintiffs' Motion for Rule 54 Costs, Docket Entry 107, filed June 17, 2010;

This matter is concluded.

A certificate of consultation is attached.

s/Perry A. Craft

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